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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,643	05/02/2006	Jacques Sagne	P18985-US1	3932
27045	7590	12/02/2008		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER KASRAIAN, ALLAHYAR	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			12/02/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,643	<b>Applicant(s)</b> SAGNE ET AL.	
	<b>Examiner</b> ALLAHYAR KASRAIAN	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/02/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement submitted on 05/02/2006 has been considered by the Examiner and made of record in the application file (Foreign Patent Document EP 0977393 A1 is not submitted, and therefore, it is not considered).

### ***Preliminary Amendment***

3. The present Office Action is based upon the original patent application filed on 05/02/2006 as modified by the preliminary amendment filed on 05/02/2006. **Claims 13-21** are now pending in the present application.

### ***Drawings***

4. The drawings are objected to because on **Fig. 2**, block 210, the "1<sup>st</sup> Outside Code" should be replaced with --1<sup>st</sup> Outer Code-- based on the description on page 9, line 34 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

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amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details on **Figs. 3 and 7** as described in the specification (some part of the indicated drawings are dark and the contents cannot be read). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be

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removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

6. The disclosure is objected to because of the following informalities:
- a) On **line 11** of **page 1**, replace "SUMMARY" with --BACKGROUND-- before "OF";
  - b) On **line 17** of **page 12**, replace "512b" with --412b-- after "receiver";
  - c) On **line 27** of **page 13**, replace "decoding" with --coding-- after "outer";
- Appropriate correction is required.

### ***Claim Objections***

7. Claims 14 and 17 are objected to because of the following informalities:

- a) On **line 3** of **claim 14**, replace the entire line with --spreading or disspreading the MBMS data to perform inner coding-- base on the step 652 of Fig 6b, and description on page 13, line 35 of the specification for spreading or disspreading.
  - b) On **line 4** of **claim 14**, insert --a-- before “first”;
  - c) On **line 5** of **claim 14**, insert --a-- before “second”;
  - d) On **line 3** of **claim 17**, replace the entire line with --spreading or disspreading the MBMS data to perform inner coding-- base on the step 652 of Fig 6b, and description on page 13, line 35 of the specification for spreading or disspreading.
  - e) On **line 4** of **claim 17**, insert --a-- before “first”;
  - f) On **line 5** of **claim 17**, insert --a-- before “second”;
- Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 13-21** are rejected under 35 U.S.C. 102(b) as being anticipated by **Grilli et al. (US Patent Application Pub. # 20020093922)** (hereinafter Grilli).

Consider **claim 13**, Grilli discloses a method in a communication device for receiving Multimedia Broadcast and Multicast System (MBMS) data, comprising the steps of:

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receiving MBMS data on a first frequency (FIG. 4, par. 0006 for original frequency, par. 0038, 0041; par. 0062 for receiving digital data such as multimedia);

switching to a second frequency to perform a measurement (FIG. 4, step 420, par. 0006, 0039, 0042 for f2 or target frequency);

performing a measurement (FIG. 4, step 430, par. 0040, 0042);

switching back to the first frequency to continue to receive MBMS data (FIG. 4 step 440, par. 0039, 0042); and,

performing outer decoding to recover MBMS data not received during the performing the measurement step (par. 0045 for forward-error-correction-encoded).

Consider **claim 14 as applied to claim 13 above**, Grilli discloses the step of performing outer decoding comprises the steps of:

despreading the MBMS data to decode inner code data (par. 0034 for despreading information symbols);

using a first decoder to decode first outer code data (par. 0045, 0064);

using a redundancy checker decoder to decode second outer code (par. 0064);

and,

combining the outer and inner code data to recover the MBMS data not received during the step of performing a measurement (par. 0064).

Consider **claim 15 as applied to claim 14 above**, Grilli discloses the first decoder is a turbo decoder or convolution decoder (par. 0092-0093).

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Consider **claim 16**, Grilli discloses a communication device, comprising:

a processor (FIG. 2, par. 0025-0029, it is inherently taught and well-known in the art that a cell phone or mobile station includes a processor for processing receiving/transmitting data);

a memory coupled to the processor (FIG. 2, par. 0025), wherein the memory includes instructions for:

receiving MBMS data on a first frequency (FIG. 4, par. 0006 for original frequency, par. 0038, 0041; par. 0062 for receiving digital data such as multimedia);

switching to a second frequency to perform a measurement (FIG. 4, step 420, par. 0006, 0039, 0042 for f2 or target frequency);

performing a measurement (FIG. 4, step 430, par. 0040, 0042);

switching back to the first frequency to continue to receive MBMS data (FIG. 4 step 440, par. 0039, 0042); and,

performing outer decoding to recover MBMS data not received during the performing the measurement step (par. 0045 for forward-error-correction-encoded).

Consider **claim 17 as applied to claim 16 above**, Grilli discloses the performing outer decoding instructions further comprises the steps of:

despreading the MBMS data to decode inner code data (par. 0034 for despreading information symbols);

using a first decoder to decode first outer code data (par. 0045, 0064);



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using a redundancy checker decoder to decode second outer code(par. 0064);  
and,

combining the outer and inner code data to recover the MBMS data not received during the performing the measurement step (par. 0064).

Consider **claim 18 as applied to claim 17 above**, Grilli discloses the first decoder is a turbo decoder or convolution decoder (par. 0092-0093).

Consider **claim 19**, Grilli discloses a method in a transmitter of a network node, said method comprising the steps of:

receiving a series of transport blocks during a predetermined time period (par. 0045, for the time fro receiving data before,  $t_{\text{search}}$  time period, par. 0079-0082, 0087, 0099);

attaching a redundancy check to each transport block received during the predetermined time period to encode a second outer code data (par. 0045 for forward error correction, and par. 0064, 0066 for CRC coding; par. 0100);

processing the code blocks through a first encoder to encode a first outer code data (par. 0064 for encoder 816);

using a spreading code to encode inner code data (par. 0045, 0069); and,

transforming the inner code and outer code data into a radio signal such that the radio signal comprises transport blocks comprising inner code data and outer code data (par. 0045, par. 0071-0078 for summing elements; par. 0087).

Consider **claim 20 as applied to claim 19 above**, Grilli discloses the first coder is a convolution or turbo coder (par. 0092-0093).

Consider **claim 21 as applied to claim 19 above**, Grilli discloses further comprising the step of serially concatenating all transport blocks in the predetermined time (par. 0080, 0087).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

- a. Kim et al. (U.S. Patent # 7372842 B2) disclose Apparatus and method for minimizing a non-transmittable period due to a compressed mode in a mobile communication system supporting HSDPA.
- b. Grilli et al. (U.S. Patent Application Publication # 20070064640) disclose Method and System for performing handoff in wireless communication systems.
- c. Vayanos et al. (U.S. Patent Application Publication # 20050025096) disclose Method and apparatus for time-sharing channelization code in a CDMA communication system.
- d. Amerga (U.S. Patent Application Publication # 20050054368) discloses Intra-frequency searching in the presence of frequency gaps.
- e. Amerga et al. (U.S. Patent Application Publication # 20040116110) disclose Searching for neighbor cells within a fixed time duration.

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f. Cao et al. (U.S. Patent Application Publication # 20040087340) disclose Method, and telecommunications apparatus, for providing measurement reporting criteria to a mobile user terminal.

g. Lee et al. (U.S. Patent Application Publication # 20040002334) disclose Method of performing inter-rat measurement for a handover from NB-TDD to GSM.

h. Kim et al. (U.S. Patent Application Publication # 20030117980) disclose Signal measurement apparatus and method for handover in a mobile communication system.

11. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Allahyar Kasraian whose telephone number is (571) 270-1772. The Examiner can normally be reached on Monday-Thursday from 8:00 a.m. to 5:00 p.m.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*/Allahyar Kasraian/  
Examiner, Art Unit 2617*

A.K./ak

*/Rafael Pérez-Gutiérrez/  
Supervisory Patent Examiner, Art Unit 2617*

November 21, 2008